

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
November 17, 2003

Court convened at 9:00 a.m.

Present: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices
Judith Haller and Terry O'Rourke
Clerk: D. E. Moore

D040571 People v. West

Cause called on merits. Peter B. Clarke, Esq. argued for appellant. Douglas Lee, Deputy Attorney
General argued for respondent. Mr. Clarke replied. Cause submitted.

Court recessed at 9:13 a.m. to change panel members. New panel members: The Honorable Judith
McConnell, Presiding Justice, and The Honorable Associate Justices Patricia Benke and Terry O'Rourke

D040076 People v. Willis, Jr.

D040219) In re Willis, Jr. on Habeas Corpus

Cause called on merits. Betty Haight, Esq. argued for appellant. Deana Bohenek, Deputy Attorney
General argued for respondent. Cause submitted.

Court recessed at 9:23 a.m. to change panel members. New panel members: The Honorable Patricia
Benke, Acting Presiding Justice, and The Honorable Associate Justices Judith Haller and Terry O'Rourke

D041114 People v. Young

Cause called on merits. Joanna McKim, Esq. argued for appellant. Deana Bohenek, Deputy Attorney
General was present in oral argument for respondent, and submitted on the briefs. Cause submitted.

Court adjourned at 9:28 a.m.

D039623 People v. French

The judgment is affirmed. O'Rourke, J.; We Concur: McConnell, P.J., McIntyre, J.

**D042868 Griselda B. v. Superior Court of the County of San Diego/San Diego County Health
and Human Services Agency**

The petition is denied. Irion, J.; We Concur: McConnell, P.J., Benke, J.

D040915 People v. Scott

The judgment is affirmed. Haller, J.; We Concur: McConnell, P.J., Benke, J.

D042500 In re Arturo F., a Juvenile

The judgment is modified to reflect 891 days' custody credits. As so modified, the judgment is affirmed.
The juvenile court is directed to file an amended commitment and to forward it to CYA. McConnell, P.J.;
We Concur: Benke, J., McIntyre, J.

D043225 Arthur Carr v. The Superior Court of San Diego County/A. Menkes et al.

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
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DIVISION ONE
November 17, 2003 (Continued)

D043201 Chichi et al. v. Superior Court of Orange County/Aladdin Companies Inc.

The petition is denied.

D043164 Johnson v. Superior Court of San Diego County/Galinski

For good cause shown the Superior Court of San Diego County is ordered to show cause why the relief requested should not be granted. Real party in interest may file an additional response to the petition on or before December 1, 2003. Petitioner may reply on or before December 15, 2003. Oral argument will be deemed waived unless requested on or before December 15, 2003. The court takes judicial notice of the record in the appeal, Galinski v. Johnson D042800. The petition and the appeal will be considered at the same time.

D043206 Schechter et al. v. Superior Court of San Diego County/United Services Automobile Association

The petition is denied.

D043026 Lambert v. Workers' Compensation Appeals Board and San Diego Unified School District

The petition is denied.

D042836 Kiewit Pacific Company v. Workers' Compensation Appeals Board and Rick Beaver

The petition is denied.

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D041914 People v. Ashton

The judgment is affirmed. Haller, J.; We Concur: McConnell, P.J., Benke, J.

D040560 People v. Puente

The judgment is affirmed. McDonald, J.; We Concur: Huffman, Acting P.J., Aaron, J.

D041080 Phipps et al. v. Fike

D041508 Phipps et al. v Scharringhausen

(consolidated) Order modifying opinion and denying rehearing. No change in judgment.

D038706 People v. Dorotik

The judgment is affirmed. Benke, J.; We Concur: McConnell, P.J., O'Rourke, J.

D042762 Reed v. Workers' Compensation Appeals Board et al.

The petition is denied.

D042574 Coldwell Banker Residential Brokerage Company v. Superior Court of the County of San Diego/Marcos Sawyer Salazar, a minor, etc.

Petitioner's request that this matter be place on calendar forthwith is denied. The matter will be place on the court's first available calendar.

D043181 In re Aguilar on Habeas Corpus

The petition is denied.

D042631 MHC Financing Limited Partnership Two v. City of Santee

The petition for writ of supersedeas is denied.

D040393 Jennings v. Palomar Pomerado Health Systems, Inc., et al.

Upon written stipulation filed by the parties to the appeal, the appeal by Daniel Jennings as to Palomar Pomerado Health Systems, Inc. only and the cross-appeal of Palomar Pomerado Health Systems, Inc. as to Daniel Jennings are dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 20(c)(2)). Each party to bear own costs on appeal.

D036283 Goodman et al. v. K-Mart Corporation

The court has been advised that the bankruptcy court has confirmed the chapter 11 reorganization plan of Defendant/Appellant Kmart Corporation and has dissolved the automatic stay. The parties have filed a stipulation and request for dismissal of this appeal with prejudice; each party to bear own costs, fees, and expenses; and immediate issuance of the remittitur. This court's stay order of February 1, 2002, is accordingly vacated; the appeal is dismissed; the remittitur shall issue immediately; and each party shall bear own costs.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
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November 19, 2003

D043090 In re Rubino on Habeas Corpus

The petition is denied.

D040911 People v. Perkins

The judgment is affirmed. O'Rourke, J.; We Concur: McConnell, P.J., Benke, J.

D040579 Brenner v. City of El Cajon

The opinion filed November 10, 2003, is ordered certified for publication.

D042124 In re Mercedes T., a Juvenile

Order Modifying Opinion (See Order). There is no change in judgment.

D040544 Jonathan K. v. The Adoption Center of San Diego, Inc., et al.

The petition for modification and rehearing is denied.

D041046 Durels v. California Sheet Metal Works, Inc.

The judgment is affirmed. Respondent is entitled to costs on appeal. McDonald, J.;
We Concur: McConnell, P.J., Irion, J.

D041180 In re the Marriage of Tydlaska

The order is affirmed. Huffman, J.; We Concur: McConnell, P.J., Benke, J.

D041247 People v. Ventittelli

D042322 In re Ventittelli on Habeas Corpus

The judgment is affirmed. The petition is denied. McConnell, P.J.; We Concur: McDonald, J., Irion, J.

D041020 People v. Whitlock

Order affirmed. CERTIFIED FOR PUBLICATION. Huffman, J. Acting P.J.; We Concur: McDonald, J.,
Aaron, J.

D041345 People v. Gaigumez

The judgment is affirmed. Haller, J.; We Concur: Huffman, J., Acting P.J., O'Rourke, J.

D041933 Kelly v. Kimball, Tirey & St. John

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 17(a).
The appeal is dismissed.

D041763 In re Marriage of Wuerfel

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 17(a).
The appeal is dismissed.

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D039557 Labirinto SRL v. LJFRP, LLC

The judgment is affirmed. LJFRP is awarded costs on appeal. McConnell, P.J.; We Concur: Benke, J., O'Rourke, J.

D040052 People v. Hansen

D040246 People v. Hansen

(Consolidated) The opinion filed on October 30, 2003, is modified. No change in judgment. The petition for rehearing is denied.

D043116 Horus H. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The court has received a declaration by counsel for petitioner Horus H. stating that he has not authorized her to file a writ petition on his behalf. No timely writ petition has been filed. Accordingly, the notice of intent is deemed to be abandoned and the case is dismissed.

D039675 Lauer v. Schaefer

The judgment is affirmed. Respondents are entitled to costs on appeal. Aaron, J.; We Concur: Huffman, J., Nares, J.

D041274 In re Rochelle B., a Juvenile

We remand to the juvenile court with directions to exercise its discretion to determine whether the criminal treat is a misdemeanor or a felony. The judgment is affirmed in all other respects. O'Rourke, J.; We Concur: McConnell, P.J., Benke, J.

D040421 Barbee v. Household Automotive Finance Corporation

The judgment is affirmed. HAFC is entitled to costs on appeal. CERTIFIED FOR PUBLICATION. Aaron, J.; We Concur: Huffman, Acting P.J., Nares, J.

D039554 Rose v. Hedgcock et al., KDTD, Inc.

The judgment is affirmed. Aaron, J.; We Concur: Benke, Acting P.J., Nares, J.

D042653 McClenty v. Jack in the Box

Pursuant to California Rules of Court, rule 8, the appeal filed July 31, 2003 is dismissed for appellant's failure to timely designate the record (Cal. Rules of Court, rules 4(a) and 5(a)).

D042004 Lacher v. Superior Court of San Diego County/East County Investigations et al.

The petition is denied.

D043243 Quilar v. Superior Court of San Diego County/People

The petition is denied.

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D041450 People v. Rosas

The judgment is affirmed. Haller, Acting P.J.; We Concur: McDonald, J., O'Rourke, J.

D043180 Snipes v. Superior Court of San Diego County/People

The petition is denied.

D042826 Mark A. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The petition is denied. Nares, J.; We Concur: Huffman, Acting P.J., McDonald, J.

D040245 People v. Gilbert

The petition for rehearing is denied.

D041514 People v. Nagast

The judgment is affirmed. Aaron, J.; We Concur: Nares, Acting P.J., O'Rourke, J.

D041447 People v. Guerrero

The judgment is affirmed. O'Rourke, J.; We Concur: Nares, Acting P.J., McDonald, J.

D043247 In re Del Rio on Habeas Corpus

The petition is denied without prejudice to refile after consideration by the superior court.

D040166 Anticancer, Inc. v. Novartis Pharmaceuticals Corporation et al.

The request for publication of the opinion is denied.

D040166 Anticancer, Inc. v. Novartis Pharmaceuticals Corporation et al.

The petition for rehearing is denied.

The motion for judicial notice is denied.

D041338 People v. Berry

The judgment is affirmed. Huffman, J.; We Concur: Benke, Acting P.J., McIntyre, J.

D042432 In re Jeremy C., a Juvenile

The judgment is affirmed. McConnell, P.J.; We Concur: Benke, J., Irion, J.

D040571 People v. West

The judgment is affirmed. Haller, J.; We Concur: O'Rourke, J., McConnell, P.J.

D039911 People v. Anderson

The judgment is affirmed. Huffman, Acting P.J.; We Concur: Nares, J., McDonald, J.

D043233 Justice v. Superior Court of San Diego County/People

The petition is denied.

D043182 In re Styles on Habeas Corpus

The petition is denied.

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November 21, 2003 (Continued)

D040411 Doe et al. v. Coburn

Upon written request filed by the appellant, the appeal is dismissed.

D043275 Friedman v. The Superior Court of San Diego County/Friedman

The petition is denied.